Land title research and the new HLRV website

Handout

NSW Land Registry Services

NSW Land Registry Services (NSW LRS) – the business name of Australian Registry Investments – operates land titling and registry operations in NSW.[1] It is also responsible for the Historical Land Records Viewer (HLRV).[2] There is a list of the records that have been digitised at: https://www.nswlrs.com.au/Historical-Records-Online. Only ones with an asterisk are on HLRV.

Background

Crown lands and land grants

In 1770 Lieutenant James Cook claimed possession of the east coast of Australia for the British Crown. All lands were vested in the Crown (hence Crown lands). Between 1792 and 1831 Governor Phillip and later Governors issued free grants of this land on behalf of the Crown. The document known as a Crown grant provided evidence of ownership.

The sale of Crown land by private tender began in 1825. In a Despatch dated 9 January 1831 the NSW Governor was instructed to issue no more free grants (except those already promised) and to sell all Crown land at public auction.

Indexes to and registers of land grants from 1792 to 1862 can be searched at no charge on HLRV. They are also available at NSW State Archives and on Ancestry.com.

Note: All Crown grants, including free grants, were subject to quit rent (a notional payment).

Settlement 'Beyond the limits of location'

In an attempt to curb unauthorised occupation of Crown lands Governor Darling's order of 5 September 1826 defined the boundaries 'within which Persons, who may be allowed to purchase, or to receive Grants, on paying an annual Quit-rent, will be permitted to make their Selection' ('limits of location'). On 14 October 1829 a further Government order increased this to include an area called the Nineteen Counties. Grazing leases and depasturing licences were introduced to regularise settlement on Crown land outside the Nineteen Counties. NSW State Archives has an online guide to records relating to the Occupation of Crown Land outside the Nineteen Counties plus indexes to *Depasturing Licences,* 1837-51 and *Squatters and Graziers*, 1837-49.[3] Ancestry.com has an *Index to depasturing licences*, 1837-46.

Mapping the colony

In 1825 Governor Brisbane received instructions ordering a general survey of the colony and its division into counties and parishes.[4] There are 141 counties, 7,459 parishes and 1,140 Government proclaimed Towns and Villages – excluding private towns. Because Parish and Town maps (available on HLRV) record the first grantees or purchasers (together with acreage and Portion Number), they are a good starting point for all land and property research. Many regional archives and libraries hold copies of Parish and other maps.

To find the full list of maps and plans that are available on HLRV go to the homepage and select 'Maps & Plans' from the list on the left side of the screen. Open up the following collections to view the list:

- Historical Parish Maps
- LTO Charting Maps
- Regional Charting Maps
- Status Branch Charting Maps

Tip: Crown Plans – The plans of an individual portion/grant are only on HLRV at State Archives.

'Old System' land titles

Land ownership in NSW was based on the English common law system of title known as 'Old System'. This began with the registration of the first grant of Crown land in February 1792. Under Old System title, a separate deed or document was prepared each time a property transaction occurred, whether subdivided, sold, leased or mortgaged. 'In its perfect form, Old System title is a chain of evidence, known as a chain of title.'[5] Old System Title records apply to the land within the original Nineteen Counties and rural towns established before 1863 outside the boundary.

Real Property Act titles

The Torrens title system was introduced in NSW with the *Real Property Act 1862* (26 Vic No.9) on 1 January 1863. The original Torrens title system was designed by Robert Richard Torrens for the

South Australian land title registry. The basis of Torrens title is the register, which records details and interests affecting that land such as: easements, covenants, mortgages, resumptions, caveats and subsequent changes in ownership. A Certificate of Title (CT) is a copy

of the related Folio of the Torrens Land Title Register.[6]

- Digitised Torrens CTs – Volumes 1 to 8497 – can viewed at no charge on the 'Old Form Torrens Register' on HLRV.
- Copies of the CTs in Volumes 8498 to 15048 and later CTs must be purchased through the NSW LRS approved information brokers.[7]

The Torrens Title Purchaser's Index commenced with the Torrens System on 1 January 1863. The index is in alphabetical order by surname only until 1883 and strict alphabetical order from that date. From the commencement of the Torrens System all grants appear in this index together with all Transfers etc dealing with land under the System.

Land transactions 1792+

There were no provisions for recording land transactions until 1802. The Judge Advocate started the *Registers of Assignments and Other Legal Instruments* – known as the "Old Register One to Nine" – in 1802. He registered transactions back to 1792 and it continued until 1824. The "Old Register One to Nine" is available on DVD at NSW State Archives, the Mitchell Library and many local libraries.

When the first *Registration of Deeds Act* came into force on 16 November 1825 land transactions could then be recorded in the General Register of Deeds (Old System Deeds), 1825-1992 for all registered common law (known as Old System) land transactions. These records are indexed in a 'Vendor's Index' and from 1896 a 'Purchasers Index'. Both these indexes are digitised and are available on HLRV. Registration is not compulsory.

Primary Applications 1863+

The *Real Property Act 1862* also established a system whereby owners could convert land granted prior to 1863 to Real Property Act title. This is done by a Primary Application (PA).

To use the PA number to start your title search go to Document Inquiry, a free search option, on NSW LRS and enter the PA number.[8] The result is the DP number for the property.

- The Primary Application Search Books and Search Sketches can be viewed at no charge on the HLRV, using the PA number.
- The PA packets can be accessed at State Archives.

Tip: The PA number will often be on a CT in the upper left corner as 'App No.' followed by a number. It may also appear on a Parish or CMA map as 'Appn', again followed by a number.

Geographical Names Board

The Geographical Names Board[9] is empowered by the *Geographical Names Act 1966*. Among other things this Act gives it the power to assign names to places and to investigate and determine the form, spelling, meaning, pronunciation, origin and history of any geographical name. You can search the history of a suburb or place name.

Tracing the history of a house

Confirm the street address of the house

If you don't know the address your starting point should be family information, papers or BDM certificates. If you have no success with that approach you may find the street address of the property you are researching records at the NSW State Archives, local studies and historical society collections, newspapers, council records, directories and publications. Tip: Don't forget that street numbering can change over time and sometimes houses had names. You may need to check more than one source to confirm the current address.

Looking at the area around the house/property

Early maps of the area and subdivision plans are an important source. Many of these are digitised and are now available on Trove.

SIX Maps

The current aerial view of the property is on SIX Maps.[10] Type in the address and when you get to the current view of the property you can search for the Lot (the piece of land) and Deposited

Plan (DP) number (Deposited Plans define legal boundaries of land and often record subdivisions, easements and resumptions.). Using these numbers you can do a Prior Title Search on the NSW LRS Search Portal and get the CT reference. You can also refer to the map and graphics layers for flood information, the lots labels/boundaries and survey marks. In addition, for addresses in Sydney you can view the 1943 image of the same area. This will show you how the area of the property may have changed in the last 74 years. Click on the icon in the top right hand corner of the current view to get to the 1943 view.

> The coverage extends to the limits of the Sydney urban area as it was in 1943 and includes a corridor along the great Western Highway through to Mount Victoria. This includes the following suburbs: Ashfield, Bankstown, Blacktown, Blue Mountains, Botany Bay, Burwood, Canada Bay, Canterbury, City Of Auburn, City Of Kogarah, Fairfield, Holroyd, Hornsby, Hunters Hill, Hurstville, Ku-Ring-Gai, Lane Cove, Leichhardt, Lithgow, Liverpool, Manly, Marrickville, Mosman, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, Strathfield, Sutherland Shire, Sydney, The Hills Shire, Warringah, Waverley, Willoughby, Woollahra."

1. Search for an Old System Title when you have an address

To search for an Old System document go to the NSW LRS Portal.

- Select the 'Find Records' option
- Use the Street Address enquiry.
- This will give you a Lot and DP number.
- Go to the Prior Title Search if your address search gave a Lot and DP number and enter these numbers.
- This time there will not be a Volume and Folio reference. It will be 'Bk' and 'No' or a 'CA' number. (CA: Conversion Action, which is an action initiated by NSW LRS to convert Old System land to Torrens Title.)
- If it's a CA reference enter it in the 'Documents Inquiry' search. This will give you a 'Bk' and 'No'.
- Go to HLRV (https://hlrv.nswlrs.com.au/).
- Choose an Attribute Search.
- Select 'Book and Number' from the list of Attributes. Enter the book and page number. The document will display immediately.
- Note: As a separate deed (legal document) was prepared each time land was dealt with under Old System – subdivided, sold, leased or mortgaged – you will have to repeat the process for each transaction.

2. Search 'Old System Indexes' on HLRV when you have a name

You can search either the:

- Vendors Index 1826-1986[11]
- Purchasers Index 1896-1985[12]

To search the vendor's Index:

- Select the 'Old System Records', 'Old System Indexes' collection in the collection tree.
- In the top search bar, select 'Keyword'. The 'search by' panel will appear.
- Step 3 – In the 'search' panel, enter the first two letters of the surname you want.
- Select any of the search results to open and view the Old System Vendors Index record.
- Refine the results with an 'Attribute' search using 'Year Range' and enter the known year range of ownership

3. Searching for Land Grants on HLRV

- Go to Old System records. Select Old System Grant Indexes. Select an 'Attribute' Search. Select surname initial.
- Select the relevant search result to open and view. Scroll through until you find entry for the name you are researching. You will get a Serial and Page Number.

- Go to Old System records, Old System Registers. Tick Grant Register. Do an 'Attribute' Search. Select Serial and Page Number.
- Display the search result which will be a copy of the Land Grant.

4. Search for a previous Certificate of Title when you an address

To search for the CT reference go to the NSW LRS Portal:

- Select the 'Find Records' option
- Use the Street Address enquiry.
- This will give you a Lot and DP number.
- Go to the Prior Title Search if your address search gave a Lot and DP number and enter these numbers.
- This will give the CT reference formatted as 'Vol-Fol'.
- To search for the images of the Certificate of Title documents for volumes 1 to 8497 go to HLRV (https://hlrv.nswlrs.com.au/).
- Choose an Attribute Search.
- Select 'Vol-Fol' from the list of Attributes. Enter the volume and folio number. The CT will display immediately.
- It will show the previous CT reference. To follow the CT back further you simply repeat your HLRV search using the previous CT reference(s).
- Alternatively it may show a Primary Application number. This will appear as 'Appn No' and a number, usually in the left hand corner.
- To access the Primary Application Search Books and Search Sketches, select 'Primary Applications' from the options under 'Old System Records' and enter the PA number.

  Tip 1: The Certificate of Title always gives the name of the original grantee.

  Tip 2: There are often further pages showing various transactions. This is shown when the document is displayed.

5. Search the Torrens Purchasers' Index when you have a name

Once you know the name and the approximate date of occupation of a Torrens title property you can search back and forwards from that date in the Purchasers Index.

- Select the 'Torrens Purchasers Index 1863-1971 from the Torrens Records collection in the HLRV collection tree.
- In the top search bar, select 'Keyword'. The 'search by' panel will appear.
- In the 'search' panel, enter the first letter of the surname you are searching. The results will appear. Open and view or refine the results.
- Refine the results with an 'Attribute' search using 'Year Range' and enter the known year range of ownership

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The information is current as at 22 November 2019.

[1] NSW Land Registry Services (NSW LRS) https://tinyurl.com/y4jlmf7y.
[2] Historical Land records Viewer https://hlrv.nswlrs.com.au/
[3] NSW State Archives, Online indexes and research A-Z, https://www.records.nsw.gov.au/.
[4] NSW State Archives, *County/Parish Maps Guide* https://tinyurl.com/y6kxla3t
[5] *Old System Information and Search Guide* https://tinyurl.com/y6pzc57g
[6] Torrens title http://www.nswlrs.com.au/land_titles/land_ownership/torrens_title.
[7] LRS approved information brokers http://www.nswlrs.com.au/land_titles/information_brokers
[8] NSW LRS Online https://online.nswlrs.com.au/wps/portal/six/find-records.
[9] https://www.gnb.nsw.gov.au/
[10] SIX Maps (http://maps.six.nsw.gov.au/?search)
[11] https://www.nswlrs.com.au/getattachment/50e10c91-6a54-46d3-a2f1-f4c3f83ffb5c/attachment.aspx
[12] https://www.nswlrs.com.au/getattachment/272fd316-5b9b-4261-997c-0e0912b1496c/Old_System_Purchasers_Index